REMARKS

Claims 6-15 are pending. Claims 1-5 have been canceled. The applicants respectfully request reconsideration and allowance of this application in view of the above amendments and the following remarks.

Claims 1-5 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,770,162 of Shida *et al.* in view of U.S. Patent No. 6,667,952 of Komaki *et al.* and U.S. Patent Publication No. 2002/0037413 A1 of Kishioka *et al.* Claims 1-5 have been canceled. Therefore, this rejection will not be discussed.

Claim 6 has been amended to recite a top release sheet and/or a bottom release sheet. This amendment is supported by at least by Fig. 1 and by the paragraph beginning on page 29, line 15, of the specification. This amendment is not made in response to the double patenting rejection, which should be clear from reading the following remarks.

Claims 1-15 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-19 of U.S. patent No. 7,005,174. Claims 1-5 have been canceled and thus will not be discussed. However, as for claims 6-15, the applicants respectfully request that this rejection be withdrawn for the reasons that follow.

MPEP §804 sets forth the factual inquiries for determining whether an obviousness type double patenting rejection is proper:

(A) Determine the scope and content of a patent claim and the prior art relative to a claim in the application at issue;

(B) Determine the differences between the scope and content of the patent claim and the prior art as determined in (A) and the claim in the application at issue;

(C) Determine the level of ordinary skill in the pertinent art; and

(D) Evaluate any objective indicia of nonobviousness.

If a double patenting rejection is determined to be proper in view of the above factual inquires, an obviousness type double patenting rejection should make clear:

(A) The difference between the inventions defined by the conflicting claims – a claim in the patent compared to a claim in the application; and

(B) The reasons why a person of ordinary skill in the art would conclude that the invention defined in the claim in issue is an obvious variation of the invention defined in a claim in the patent.

The double patenting rejection set forth in the office action is deficient because, at a minimum, it fails to follow the MPEP and make clear the difference between the inventions defined by the conflicting claims and fails to provide reasons why a person of ordinary skill in the art would conclude that the invention defined in the claim in issue is an obvious variation of the invention defined in a claim in the patent. Therefore, the office action fails to set forth a *prima facie* case of double patenting.

In addition, it is improper for the examiner to rely on the disclosure of US patent 7,005,174 as prior art. See MPEP 804 (II) (B) (1). In the brief comments given by the examiner in the double patenting rejection on page 3 of the office action, the disclosure is apparently being relied on for more than just determining the meaning of a claim term.

Further, the claims 1-19 of US patent 7,005,174 fail to render the claims of the present application obvious for the following reasons:

the claims of US patent 7,005,174 fail to disclose or suggest a stamper-receiving layer that is energy rays-curable and has a storage elastic modulus prior to curing from 10^3 to 10^7 Pa;

the claims of US patent 7,005,174 fail to disclose or suggest an adhesive layer laminated to the stamper-receiving layer, the adhesive layer having adhesive strength to polycarbonate of at least 200 mN/25mm and a storage elastic modulus during the curing of the stamper-receiving layer of from 10^3 to 10^7 Pa; and

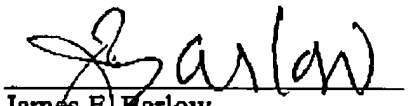
the claims of US patent 7,005,174 fail to disclose or suggest a release sheet.

Therefore, there is no basis for the double patenting rejection and it should be withdrawn.

In view of the foregoing, the applicants submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

If there are any problems with the payment of fees, please charge any underpayments and credit any overpayments to Deposit Account No. 50-1147.

Respectfully submitted,



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